



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF 11615
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Recons
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7-20-01

re application of : Box Non-Fee Amendment
SCHWARZ, Eugen, et al. : Group Art Unit: 1615
Serial No.: 09/529,543 : Examiner: S. Tran
Filed: 14 April 2000 :
For: PRODUCTION OF A DIRECTLY COMPRESSIBLE TABLETTING AID

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REPLY AFTER FINAL

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In response to the final Office Action dated April 20, 2001, please consider the following remarks.

I hereby certify that this correspondence is being deposited with the U.S. Postal Services as First Class Mail in an envelope addressed To: Assistant Commissioner of Patents Washington, D.C. 20231 On: July 20 2001
Name: Richard J. Traverso
Signature: [Signature]
Date: July 20 2001

REMARKS

Applicants traverse the rejections of claims 1-20 based on Virtanen et al. (U.S. Patent 5,536,526), Olinger et al. (5,204,115), Schwartz et al. (U.S. Patent 5,958,471) and Mizumoto et al. (U.S. Patent 5,576,014).

Rejections Under 35 U.S.C. 102

Applicants maintain that neither Virtanen et al. nor Olinger et al. anticipate the claimed subject matter (tableting aid, compositions thereof and methods of synthesis) in that these references neither disclose nor teach a tableting aid produced by dissolving xylitol in a solvent followed by spray drying or fluidized bed granulation.

The process step of dissolving the xylitol in a solvent does have patentable weight and does distinguish the products of these references. Applicants claim the tableting aid using product by process language. Reliance on such language is necessary to define the homogenous distribution of xylitol and polyol in the tableting aid that is manifested by the improved tableting performance illustrated in the Examples. In Example 1 products obtained from spraying drying a solution of xylitol are compared with products obtained by mechanical mixing. This difference in properties illustrates that without the